IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 610 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 611 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 612 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 613 OF 2005
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CRIMINAL WRIT PETITION NO. 617 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 621 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 622 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 623 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 624 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 626 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 627 OF 2005

Ms. Chinmayi Mehta ...Petitioner

Versus

State of Maharashtra & Anr ...Respondents

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Mr. Joseph i/b Miss. Deepa Kuruvilla, Advocate for Petitioner

Mr. J.P. Shah i/b M/s. A.S. Khan, Advocate for Respondent No.2.

Mr. B.H.Mehta, A.P.P. for State in W.P. Nos. 610, 611, 622 and 626 of 2005.

Ms. S.V. Gajare, A.P.P. for State in W.P. Nos. 612, 623 & 627 of 2005

Mr. R.S.Khadapkar, A.P.P.for State in W.P.Nos. 613 to 616 of 2005.

Mr. Rajesh More, A.P.P.for State in W.P. Nos. 617, 621 and 624

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 7TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the petitioner, the learned advocate for respondent i.e. original complainant and the learned A.P.P.for the State.

2. The petitioner has prayed for quashing of process issued against her in Criminal Case Nos.2893/S/2002, 2309/S/2002, 2163/S/2002, 1109/S/2002, 2894/S/2002, 2146/S/2002, 2147/S/2002, 308/S/2002, 2361/S/2002, 2362/S/2002, 2144/S/2002, 1679/S/2002, 4364/S/2002 and 2730/S/2002 which are pending in the Court of learned Additional Chief Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai. In the said cases, process has been issued against the petitioner under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K. Jain & Ors. Vs. Pratap Vs. Padode and Anr, reported in 2005(3) Mh.L.J. 778,** in my opinion, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it

would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today. The learned advocate for the respondent i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision before the learned Sessions Judge.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Writ Petitions are disposed of.

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